

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

IN THE MATTER OF: BID PROTEST  
DEFERRED MAINTENANCE - SHM  
SWIMMING POOL RENOVATIONS  
STATE PROJECT H24-9567-JA-E  
PADDOCK CONSTRUCTION COMPANY  
vs.  
SOUTH CAROLINA STATE UNIVERSITY

BEFORE THE CHIEF PROCUREMENT  
OFFICER FOR CONSTRUCTION

DECISION

POSTING DATE: April 16, 2002

This matter is before the Chief Procurement Officer for Construction (CPOC) pursuant to a request from Paddock Construction Company, Inc. (Paddock) under the provisions of §11-35-4210 of the South Carolina Consolidated Procurement Code (Code), for an administrative review on the Deferred Maintenance – SHM Swimming Pool Renovations Project (Project) for South Carolina State University (SCSU). Pursuant to §11-35-4210(3) of the Code, the CPOC evaluated the issues for potential resolution by mutual agreement and determined that mediation was not appropriate. A formal hearing was held on March 27, 2002.

#### **NATURE OF THE PROTEST**

SCSU issued Bidding Documents for the Project. Paddock requested prior approval for the substitution of certain items of equipment, which request was rejected. Paddock protested the rejection to the Chief Procurement Officer, citing unduly restrictive specifications. At the opening of the hearing, the Chief Procurement Officer offered the parties an opportunity to discuss a possible settlement, which offer was accepted. The hearing was therefore recessed.

#### **DECISION**

The parties have concluded a mutually agreeable settlement to the issues presented by Paddock Construction. It is the decision of the Chief Procurement Officer for Construction that it is in the best interests of the parties and the State to accept the settlement agreement that is attached to and is hereby made a part of this decision. Accordingly, the protest of Paddock Construction Company is hereby withdrawn and dismissed with prejudice.

IT IS SO ORDERED



Michael M. Thomas  
Chief Procurement Officer for Construction

April 16, 2002  
Date

## AIKEN BRIDGES

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\*CERTIFIED MEDIATOR AND ARBITRATOR  
\*CERTIFIED ARBITRATOR  
+ ALSO ADMITTED DISTRICT OF COLUMBIA

ALVIN A. COLEMAN, JR. (1939-1996)

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April 15, 2002

Via Facsimile and U. S. Mail (803) 373-0639

Michael M. Thomas, PE, CPO  
Chief Procurement Officer for Construction  
State Budget and Control Board  
Office of General Services  
Materials Management Office  
1201 Main Street, Suite 600  
Columbia, South Carolina 29201

Re: In the Matter of: Protest  
Deferred Maintenance - SHM Swimming Pool Renovations  
SC State University  
State Project No. H24-9567-JA-E  
AB # 19875

Dear Mr. Thomas:

Please allow this correspondence to serve as a formal withdrawal of the written pre-bid protest submitted by Paddock Construction Company, Inc. in connection with the above referenced matter.

Thank you for your assistance and cooperation. Should you have any questions or concerns regarding any of the above, please do not hesitate to call.

Michael M. Thomas, PE, CPO  
April 15, 2002  
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With kind regards,

Yours very truly,



SAMUEL F. ARTHUR, III

SFAIII/dal

cc: **Via Facsimile and U. S. Mail (803) 324-1116**  
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Paddock Construction Company, Inc.  
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Rock Hill, SC 29730

**Via Facsimile and U. S. Mail (803) 533-3784**  
John Bowman  
Campus Developer  
SC State University  
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Project Manager  
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1229 Lincoln Street  
Columbia, SC 29201

### **STATEMENT OF THE RIGHT TO APPEAL**

The South Carolina Procurement Code, under Section 11-35-4230, subsection 6, states:

A decision under subsection (4) of this section shall be final and conclusive, unless fraudulent, or unless any person adversely affected requests a further administrative review by the Procurement Review Panel under Section 11-35-4410(1) within ten days of the posting of the decision in accordance with Section 11-35-4230(5). The request for review shall be directed to the appropriate chief procurement officer who shall forward the request to the Panel or to the Procurement Review Panel and shall be in writing setting forth the reasons why the person disagrees with the decision of the appropriate chief procurement officer. The person may also request a hearing before the Procurement Review Panel.

Additional information regarding the administrative review process is available on the internet at the following Web site: <http://www.state.sc.us/mmo/legal/lawmenu.htm>